

The Church of Jesus Christ of Latter-Day Saints ("LDS Church" hereafter) asks the Appeals Board of the Utah Labor Commission to review Administrative Law Judge Sessions' decision regarding K.L.K.'s claim for permanent total disability compensation under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Annotated § 63-46b-12 and § 34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

Mr. K. was injured while working for the LDS Church on January 25, 1999. He received some workers' compensation medical and disability benefits for his injuries. On August 11, 2003, he filed an application for permanent total disability compensation.

Judge Eblen held an evidentiary hearing on Mr. K.'s application on April 14, 2004. Judge Eblen then resigned and Judge Sessions assumed responsibility for completing the adjudication of Mr. K.'s claim.

On May 20, 2005, Judge Sessions issued a decision concluding that Mr. K. was entitled to a preliminary determination of permanent total disability and, on that basis, qualified for an interim award of subsistence benefits. On June 9, 2005, the LDS Church asked Judge Sessions to either reconsider his decision or allow the LDS Church more time to file a motion for review of the decision. On June 17, 2005, Judge Sessions rejected the LDS Church's requests. On June 20, 2005, the LDS Church filed a motion for review challenging Judge Sessions' denial of the LDS Church's request for additional time to file its motion for review, and also challenging Judge Sessions' determination that Mr. K. was entitled to a tentative finding of permanent total disability.

DISCUSSION AND CONCLUSIONS OF LAW

In light of the fact that the LDS Church filed a timely motion for review in this matter, Judge Sessions' denial of the Church's request for additional time is moot. The Appeals Board will not address that issue further, but will turn instead to Judge Sessions' conclusion that Mr. K. is entitled to a tentative finding of permanent total disability.

The first objection that the LDS Church raises to Judge Sessions' decision is that it is not sufficiently detailed. The Appeals Board agrees. The parties are entitled to a decision that: 1) identifies the issues in dispute; 2) states the facts; 3) identifies applicable law; and 4) explains the application of the law to the facts. These elements are not adequately set forth in Judge Sessions' decision.

The Appeals Board remands Mr. K.'s claim to Judge Sessions with instructions to issue a

new decision that contains the above-identified elements. Any party dissatisfied with Judge Sessions' decision may seek Commission or Appeals Board review. Because the parties have already experienced delay in obtaining resolution of their dispute, Judge Sessions is directed to give this matter his prompt attention.

ORDER

The Appeals Board grants the LDS Church's motion for review, sets aside Judge Sessions' decision, and remands this matter to Judge Sessions for further proceedings consistent with this decision.

Dated this 23rd day of March, 2006.

Colleen S. Colton, Chair

Patricia S. Drawe

Joseph E. Hatch